

PPM 451

SELECTION OF EMPLOYMENT OUTCOME

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SELECTION OF AN APPROPRIATE EMPLOYMENT OUTCOME

451.01 SCOPE OF APPROPRIATE EMPLOYMENT OUTCOMES

(1) The employment outcome goal identified in the Individualized Plan for Employment (IPE) and each IPE amendment must be a specifically described type of employment that is appropriate for the individual, and consists of:

(A) full-time or (to the extent appropriate) part-time competitive employment without supports in the integrated labor market, including telecommuting; or

(B) supported employment (competitive employment with supports) in the integrated labor market; or

(C) self employment in an integrated setting (including, but not limited to, the ownership and operation of a small business enterprise); or

(D) any other type of employment in an integrated setting, including—

(1) homemaking, or

(2) unpaid family work.

(2) The employment outcome identified in each IPE or IPE amendment must be described in terms of a particular type of profession (such as "general laborer," "food service worker," "clerical office worker," "kitchen worker," "retail salesperson," or "medical transcriptionist"). An employment outcome described only by the broad category of the work performed (e.g., "competitive employment," "supported employment," or "self employment") is too vague, and is unacceptable, except in the case of "homemaking" or "unpaid family work."

(3) All outcomes identified in an IPE must be fully integrated outcomes.

[REQUIRED PRACTICE. Non-integrated ("sheltered" or "extended") work is not an employment outcome for purposes of the Vocational Rehabilitation Program, and Vocational Rehabilitation Program services cannot be provided for the achievement or maintenance of sheltered work.

For purposes of telecommuting, self employment, homemaking, and unpaid family work, any of which may work in home-based or other settings in which interaction with others is limited or does not occur, the requirement of an integrated work setting is met if the setting is typically found in the community (including family residences, private offices, and similar settings) in which contact and interaction with other persons on the job occurs to the same extent (whether to a great, moderate, or small extent, or not at all) that individuals who have no disabilities interact with other persons when performing the same or similar types of work. For example, since telecommuting may be done from a home office setting where there is little or no outside work contact with other people whether the telecommuter has a disability or not, an individual with a disability

who is a telecommuter and has little or no contact and interaction with non-disabled people in the performance of his or her job functions may still be considered to be working in an integrated work setting, if the individual with a disability has as much contact and interaction with non-disabled people in the performance of his or her work functions as does a comparable telecommuter without a disability.]

(4) Each planned employment outcome must empower each individual to maximize his or her opportunities to achieve employment, economic self-sufficiency, independence, and integration and inclusion in the workplace and the community.

[REQUIRED PRACTICE. Federal requirements establish that the purpose of the Vocational Rehabilitation Program is to help eligible individuals become as economically independent as possible and to eliminate or reduce their need for public support programs and services through economically meaningful and sustained work.]

451.02 STANDARD OF APPROPRIATENESS FOR THE EMPLOYMENT OUTCOME SELECTED

(1) DETERMINING APPROPRIATENESS

(A) The planned employment outcome objective identified by each IPE must reflect the individual's informed choice to the extent that the informed choice is consistent with his or her vocational strengths, resources, priorities, concerns, abilities, capabilities, and career interests.

(B) No other factors may be used to determine the appropriateness of an employment outcome goal.

(2) PERSONS CURRENTLY EMPLOYED

The employment outcome options of individuals working at the time of IPE development cannot be arbitrarily limited to the type or level of employment in which the individual is currently engaged, if the current employment is inconsistent with the individual's vocational strengths, resources, priorities, concerns, abilities, capabilities, and interests.

[REQUIRED PRACTICE. A careful analysis of the individual's functional abilities and capacities in view of the job requirements, work environment, and other factors pertinent to the job is required to assess the appropriateness or inappropriateness of current employment. If an individual is employed but the job presently held is not or is no longer consistent with the individual's current vocational strengths, resources, priorities,

concerns, abilities, capabilities, and career interests (such as when the individual can no longer perform the essential functions of the job due to his or her disability or if continuing in the current job would exacerbate the disability), another employment goal must be selected and services required for the individual to qualify for and obtain the planned employment outcome must be provided. If, however, the individual is employed in a job that continues to be consistent with the individual's current vocational strengths, resources, abilities, and capabilities, vocational rehabilitation services are not available solely because the individual desires to obtain new and different employment (e.g., to change employers or launch a career change), but are limited to those services, if any, necessary to maintain the present employment.]

(3) PERSONS WITH SPECIFIC EMPLOYMENT QUALIFICATIONS

The employment outcome options of individuals who already have specific job training, experience, skills, and other qualifications at the time of IPE development cannot be arbitrarily limited to only those options consistent with the qualifications currently possessed if the current training, experience, skills, and other qualifications of the individual are inconsistent with employment reflecting his or her vocational strengths, resources, priorities, concerns, abilities, capabilities, and interests.

[REQUIRED PRACTICE. Whether the individual is currently employed or not, where the job qualifications which the individual possesses are applicable only to employment options that are not or are no longer consistent with his or her current vocational strengths, resources, priorities, concerns, abilities, capabilities, and interests, vocational rehabilitation services are available to assist the individual in acquiring training, experience, skills, and other job qualifications for an employment outcome that is consistent with those factors. If, however, the job qualifications of the individual continue to provide employment opportunities consistent with the individual's current vocational strengths, resources, abilities, and capabilities, vocational rehabilitation services are not available solely because the individual desires to acquire new and different training, experience, skills, or other employment qualifications, but are limited to those services necessary, if any, to secure employment consistent with the individual's existing qualifications.]

(4) ENTRY-LEVEL EMPLOYMENT

The individual's employment outcome options cannot be limited to available entry-level jobs if the individual makes an informed choice to work at higher than entry level and working higher than entry level is consistent with his or her vocational strengths, resources, priorities, concerns, abilities, capabilities, and career interests.

[REQUIRED PRACTICE. Vocational Rehabilitation Program services are not intended only to place individuals with disabilities into entry-level jobs, but rather to assist eligible individuals in obtaining employment that is appropriate given their unique strengths, resources, priorities, concerns, abilities, capabilities, and career interests. Where the application of that standard would indicate that the individual is clearly capable of employment beyond the entry level with adequate preparation and supports, employment at the entry level does not meet the required standard of appropriateness unless the individual makes an informed choice to accept entry-level employment.]

(5) COST OR SCOPE OF REQUIRED SERVICES

The employment outcome options of the individual cannot be limited by the cost or scope of the vocational rehabilitation services that may be required to achieve a particular employment outcome goal.

[REQUIRED PRACTICE: The fact that one employment outcome goal may require an advanced degree, whereas another may only require limited job retraining or placement assistance, is not a determining factor to be considered in evaluating the appropriateness of the employment outcome goal. Once the employment outcome goal has been identified, the cost and scope of the services required to achieve the selected goal become relevant factors to be considered in determining the appropriate and most cost-efficient means for providing required services; however, the cost and scope of the necessary services cannot be used, in and of itself, to deny vocational rehabilitation support for the pursuit of any particular outcome that is an appropriate informed choice of the individual.]

(6) LOCAL JOB MARKET CONDITIONS

Local job market conditions (the availability or unavailability of the desired work in the local community) is not a determining factor with respect to evaluating the appropriateness of the goal selected, and cannot be used to deny Vocational Rehabilitation Program assistance for the pursuit of an employment outcome goal in the chosen type of work if:

(A) by the time that the individual is anticipated to be ready for job placement, work of the desired type is expected to be available locally; or

(B) the individual is willing and able to relocate to another job market in which the particular job is available.

[REQUIRED PRACTICE. Notwithstanding paragraph (6) of this section, if there is no reasonable expectation for job market improvement or the individual is not willing and able to relocate to another job market, the local job market conditions become a

relevant factor in determining the appropriateness of the individual's employment outcome options.]

451.03 APPLYING THE STANDARD OF APPROPRIATENESS TO EMPLOYMENT OUTCOME OPTIONS

The Vocational Rehabilitation Counselor is required to evaluate the information obtained regarding the employment outcome options being considered and the individual's vocational strengths, resources, priorities, concerns, abilities, capabilities, and career interests as a consequence of the comprehensive assessment for determining vocational rehabilitation needs described in PPM chapter 440 to determine whether or not the outcomes meet the standard of appropriateness described in section 451.02 of this chapter. In making the required determination, the Counselor must address the following considerations.

(1) VOCATIONAL STRENGTHS

Does the individual currently possess, or have the capacity to acquire, all of the specific job qualifications (e.g., training, experience, licensing or other credentials, and other job requirements) needed to secure and maintain employment of the type under consideration?

(2) RESOURCES

(A) Has the effect of work earnings on the individual's public assistance and other benefits been explored, discussed, and determined to be acceptable to the individual?

(B) If the achievement of the employment outcome will necessitate a period of preparation to meet the training, experience, credentialing, and other requirements of the selected outcome, is the individual financially able and willing to defer earning an income for the anticipated duration of the required preparation period?

(C) Is the individual (and, if applicable, his or her family) able and willing to meet all of the costs of preparing for the employment outcome for which the individual and/or family will bear responsibility, including, as may be appropriate:

(1) any financial participation requirement (FPR) needed in accordance with PPM chapter 610 relative to the vocational rehabilitation services to be provided;

(2) any expected family contribution (EFC) required as a condition for receiving student financial aid, if postsecondary training is provided;

(3) the individual's share of any start-up costs for a small business enterprise (SBE) required in accordance with PPM chapter 550, if an SBE self-employment outcome is planned; and/or

(4) any other costs anticipated as a consequence of Vocational Rehabilitation Program participation and achieving an employment outcome?

(3) PRIORITIES AND CONCERNS

(A) What level of income and benefits is the individual likely to earn (initially and thereafter), and are they sufficient to meet the individual's expectations and his or her own income and benefit needs and those of his or her dependents?

(B) Does the employment being considered provide the desired levels of integration and inclusion in the work place, opportunities for advancement, financial independence and self-sufficiency, personal satisfaction, and other advantages considered to be important by the individual?

(4) ABILITIES AND CAPABILITIES

(A) Will the individual's physical abilities and capabilities (strength, stamina, dexterity, etc.) meet the physical requirements necessary for successful job performance and retention, considering the anticipated benefits of physical restoration, assistive technology, other vocational rehabilitation services, and the employment supports planned?

(B) Will the individual's mental, emotional, and behavioral abilities and capabilities (intelligence, retention ability, concentration, emotional stress tolerance, interpersonal skills, self direction, etc.) meet the mental,

emotional, and behavioral requirements necessary for successful job performance and retention, considering the expected benefits of mental restoration, other planned vocational rehabilitation services, and employment supports planned?

(C) Does the individual possess or have the capacity to acquire, if needed, any other vocational abilities, capacities, skills, or traits (leadership abilities, attendance and punctuality, work attitudes and behaviors, and similar traits) pertinent to successful job performance and retention?

(5) CAREER INTERESTS

Is the specific type of work being considered consistent with—

(A) any documented assessments of vocational interests, aptitudes, and abilities, job performance information, or vocational interests expressed by the individual or evident, based on hobbies and pastimes;

(B) the individual's long-term career goals;

(C) the levels of integration, inclusion, and personal satisfaction considered important by the individual?

451.04 PREFERENCE FOR COMPETITIVE EMPLOYMENT

Of the employment outcomes described in section 451.01 of this chapter, full-time or (if appropriate for the individual) part-time competitive employment in the integrated labor market is the preferred outcome and should be considered the employment outcome option of first choice.

[REQUIRED PRACTICE. Full-time competitive employment outcomes in the integrated labor market (including telecommuting and supported employment outcomes) are the preferred outcomes and should be considered the employment outcome option of first choice consistent with the individual's vocational strengths, resources, priorities, concerns, abilities, capabilities, and interests because full-time competitive employment options are most likely to provide the most stable work, income, benefits, and opportunities for advancement. If full-time employment is not possible due to the nature or scope of the individual's disability, part-time competitive employment in the integrated labor market is the next most preferred outcome.]

**451.05 ADDITIONAL REQUIREMENTS FOR SUPPORTED
EMPLOYMENT OUTCOMES**

In the case of supported employment outcomes, the outcome goal selected must provide employment in the integrated labor market for the maximum number of hours possible, based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with a most significant disability.

451.06 SELF-EMPLOYMENT OUTCOMES

Self employment may be appropriate for an individual who exhibits:

- (1) special needs due to the nature or scope of his or her disability which require accommodated work environments, accommodated work schedules, or other employment-related accommodations which could best be met in a self-employment environment without jeopardizing business operations;
- (2) high tolerance for the financial and personal risk inherent in self-employment and the lack of stable work, income, health and other benefits, and opportunities for advancement offered by being employed by someone else;
- (3) a substantial commitment and desire for owning, managing, and operating an independent small business; and
- (4) the capacity to manage and operate a self-employment venture.

[REQUIRED PRACTICE. Self employment should be presented as an employment option to all eligible individuals, but as neither the outcome of first choice nor the outcome of last resort. In no case should self employment be pursued on the basis of desire alone without a thorough investigation of its appropriateness for the individual. Neither is self employment to be recommended solely because (for reasons of the individual's disability, personality, or abilities) all other employment outcomes have been determined to be unachievable.]

451.07 HOME MAKING AND UNPAID FAMILY WORK OUTCOMES

Homemaking and unpaid family work outcomes must result in work for which, as applicable:

(1) substantial homemaking tasks (e.g., shopping, cleaning, laundering, meal preparation, and household budgeting) are performed which are essential for the management and operation of a household; or

(2) substantial unpaid family work functions are performed which are necessary for the management or operation of a family farm or other family-owned business.

[REQUIRED PRACTICE. (1) Individuals who live alone (a "household of one") as well as individuals who have other household members can pursue a homemaking outcome. In either case, the homemaking tasks performed by the individual must be tasks, as those indicated in paragraph (1) of this section, which are necessary for the management and operation of the individual's household. Meeting one's own bathing, grooming, dressing/undressing, eating, toileting, self-medication, and similar personal needs are self-care needs, activities of daily living, or independent living functions, not homemaking tasks, and cannot be considered when determining whether or not the individual is performing substantial homemaking functions (e.g., shopping, cleaning, laundering, meal preparation, and household budgeting) that qualify for a successful homemaking closure. The Homemaking Skills Assessment form must be used to assess the individual's homemaking skills prior to services, specific service needs, and skills subsequent to service provision. It is not required that the homemaking tasks performed by the individual enable another member of the household to maintain a job outside the home or that the individual perform all of the tasks necessary to the management and operation of the household; however, whether the household consists of the individual alone or includes others, the tasks performed by the individual must be of substantial amount and importance to the management and operation of the household. Where the household includes other individuals who assist with household tasks, those tasks performed by the individual must include the majority (i.e., more than half) of the homemaking functions necessary to household management and operation, and must be clearly identified. The employment outcome cannot be changed to homemaking from another planned outcome at the time of closure for any plan which has not provided services specifically appropriate and necessary to the achievement of a homemaking goal, or for any individual for whom homemaking is not an appropriate employment outcome.

(2) With respect to an unpaid family work outcome, the work performed must consist of work that contributes substantially to the management or operation of the business; not of activities that are unrelated to, or are only incidental to, the business. The amount and relevance of the work performed would generally meet the intent of this requirement if the tasks performed by the individual include one or more functions which, if not performed by the individual, would need to be performed by another employee of the business or contracted out.

(3) Prior to approving an IPE or IPE amendment for a homemaking or unpaid family work outcome, the Vocational Rehabilitation Counselor is required to ascertain and document which specific homemaking or unpaid family work tasks of substantial amount and importance to the management and operation of the household or family

business, as applicable, will be performed by the individual. Prior to closing the record of services for either a homemaking or unpaid family work outcome, the Counselor is required to ascertain and document that the prescribed nature and scope of work tasks are actually being performed.]

451.08 PROHIBITED EMPLOYMENT OUTCOMES

Certain types of work cannot be specified in an IPE as an employment outcome and cannot be supported with vocational rehabilitation services or program funds, including:

- (1) any employment outcome determined not to meet the appropriateness standard in accordance with section 451.02 of this chapter;
- (2) any type of activity performed in a non-integrated setting (i.e., sheltered work or extended employment);

[REQUIRED PRACTICE. Non-integrated ("sheltered" or "extended") work is not an allowable employment outcome option for purposes of the VR Program, and no IPE can be written or vocational rehabilitation services provided for the pursuit of such work. If an individual makes an informed choice to pursue or remain in work performed in a sheltered setting, he or she must be provided with the information and referral described in PPM 421.10 and the record of services must be closed.]

- (3) volunteer or charity work for which no salary, wage, or other compensation is paid to the individual; or
- (4) any outcome which would require the Vocational Rehabilitation Program to purchase or provide (as tools and equipment, product inventory, or supplies) firearms, alcohol or tobacco products, gambling services or products, or adult services or products (such as exotic dancing or x-rated materials).

RECORD OF SERVICES DOCUMENTATION REQUIREMENTS

451.09 RECORD OF SERVICES CONTENT REQUIREMENTS

The record of services of the individual must include, as applicable to each individual:

- (1) an IPE and all applicable plan amendments identifying the employment outcome goal of the individual, as described in section 451.01 of this chapter;
- (2) sufficient information to demonstrate that the employment outcome goal(s) selected are appropriate to the individual and reflect the standard of appropriateness described section 451.02 of this chapter;
- (3) information demonstrating that the appropriateness standard has been applied in accordance with the requirements of section 451.03;
- (4) if the employment outcome goal of the individual is a supported employment outcome, an affirmation that the outcome identified is for the maximum number of hours possible, consistent with the individual's vocational strengths, resources, priorities, concerns, abilities, capabilities, and career interests, as required under section 451.05 of this chapter;
- (5) that any self-employment outcome is selected in accordance with section 451.06 of this chapter; and
- (6) if the employment outcome goal of the individual is homemaking or unpaid family work, information demonstrating that the outcome goal meets all of the requirements described in section 451.07 of this chapter.

451.10 INFORMATION TECHNOLOGY SYSTEM COMPLIANCE

All required information, data, and documents must be incorporated into and maintained in the record of services for the individual in a manner consistent with Indiana Rehabilitation Information System (IRIS) requirements.

[AUTHORITY: Federal regulations 34 CFR §§361.5(b)(15), (16), (19), (33), (53); 361.45; 361.46; 361.47; 361.52; federal Policy Directive RSA-PD-97-04 (August 19, 1997); policy statement of the Secretary of the U.S. Education Department, 62 FR 6311 (February 11, 1997).]

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